

PROB 12C
(7/93)

Report Date: April 8, 2011

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**APR 15 2011**JAMES R. LARSEN
DEPUTY
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Joel R Cervantes

Case Number: 2:06CR06056-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: 6/11/2007

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1) & 924(a)(2)

Original Sentence: Prison - 51 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: K. Jill Bolton

Date Supervision Commenced: 8/16/2010

Defense Attorney: Kimberly A. Deater

Date Supervision Expires: 8/15/2013

PETITIONING THE COURT**To issue a summons.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number **Nature of Noncompliance**

1 **Special Condition # 19:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Joel Cervantes is considered in violation of his period of supervised release by using controlled substances, methamphetamine and marijuana, on or prior to March 29 and April 4, 2011, and marijuana on or prior to April 5, 2011.

On March 29, 2011, the defendant reported for a random urinalysis test and provided a sample which returned presumptive positive for the presence of methamphetamine and marijuana. This sample was forwarded to Alere Toxicology Services where it was confirmed positive for methamphetamine and marijuana.

On April 5, 2011, the defendant reported for a random urinalysis test and provided a sample which returned presumptive positive for the presence of methamphetamine and marijuana. This sample has been forwarded to Alere Toxicology Services for confirmation.

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- 2 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Joel Cervantes is considered in violation of his period of supervised release by committing the offense of driving with a suspended license in the third degree on or prior to February 2, 2011.

On February 2, 2011, the defendant was contacted in Connell, Washington, by local law enforcement and found to be driving with a suspended license. The defendant has been charged in Franklin County District Court under case number 1Z0104507 and his next scheduled court appearance is May 18, 2011.

- 3 **Special Condition # 18:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Joel Cervantes is considered in violation of his period of supervised release by failing to report for substance abuse treatment on February 22 and 28, 2011, and March 1, 2, 7, and 9, 2011.

The defendant stated he simply did not report for each of the above-noted dates.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 04/08/2011

s/David L. McCary

David L. McCary
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

Fred Van Bickle

Signature of Judicial Officer

April 14, 2011

Date